

Central Intelligence Agency



Washington, D.C. 20505

OLL 84-0480/1

25 MAY 1984

The Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Central Intelligence Agency concerning H.R. 4620, a bill to amend the Federal Property and Administrative Services Act of 1949 (FPASA) to prohibit federal officials from monitoring or recording telephone conversations without the consent of all parties. Mr. Casey has asked me to respond on his behalf.

As drafted, H.R. 4620 would not affect CIA activities because the Agency is exempt from the underlying provisions of the FPASA that would be amended by the bill. See 40 U.S.C. § 474. As we have previously informed your Committee by letter dated 15 February 1984, notwithstanding our statutory exemption we have promulgated internal regulations that protect against abuses in connection with telephone monitoring. These procedures authorize monitoring or recording of telephone conversations by Agency personnel with one party's consent if conducted for authorized intelligence purposes and with appropriate senior approval.

Although in its current form H.R. 4620 would not have any impact on CIA activities, the bill could adversely affect the activities of other members of the Intelligence Community. In this regard, I note that the Department of Justice and the Department of Defense have written to you identifying certain aspects of H.R. 4620 that could adversely affect the conduct of intelligence and security programs. One important concern is that the exemptions contained in the bill may be too narrow to cover all necessary national security activities. Recording and overhearing by an intelligence agency employee acting within the scope of his employment relating to intelligence gathering, counterintelligence activities, as well as communications security is proper under present law and must be allowed to continue.

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If you should have any further questions, or if we can be of further assistance, please contact me or [] of my Office at []

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program. Thank you for the opportunity to comment on this legislation.

Sincerely,

Clair E. George
Director, Office of Legislative Liaison

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